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Subject: Proposed Amendments to CEQA Guidelines Appendix G Initial Study Checklist

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Governor's Office of Planning and Research:

I have reviewed the Preliminary Draft CEQA Guideline Amendments to the Appendix G Initial Study Checklist and have the following comments/suggestions regarding Section V.

Cultural Resources:

1. Checklist Section V.(c) asks the question: "Would the project...[d]irectly or indirectly destroy a...unique geologic feature?" Geologic features are not cultural resources and this question is inappropriately included in this section. This question clearly should be moved to the following Section VI. Geology and Soils. Because this question is inappropriately put into the CEQA section on Cultural Resources, it is overlooked and seldom addressed in environmental documents. If the question is worth asking, then it should be asked under the appropriate heading (VI. Geology and Soils) where questions are answered by geologists knowledgeable about unique geologic features.

2. Checklist Section V.(c) also asks the question: "Would the project [d]irectly or indirectly destroy a unique paleontological resource...?" Paleontological resources are also not cultural resources and, thus, this question is inappropriately included with Cultural Resources in the current Checklist. As a result, most cultural resource initial studies and many EAs and EIRs failed to address potential impacts to paleontological resources. Cultural resource specialists (historians and archaeologists) were simply not prepared to address potential adverse impacts to paleontological resources. Moving paleontological resources to the Checklist section on Geology and Soils, as suggested above for geologic features, would be a better placement than with Cultural Resources. However, questions in the Geology and Soils portion of the Checklist deal primarily with geologic hazards, erosion, and loss of top soil; paleontological resources do not fit well there either. Like cultural resource specialists, most geologists and soil scientists are also ill prepared to deal with potential adverse impacts to paleontological resources. Including paleontological resources with Biological Resources might be an even better placement, since fossils are the remains of prehistoric biological resources or paleobiological resources. However, like most cultural resource specialists, geologists, and soil scientists, most biologists are also ill prepared to deal with potential adverse impacts to paleontological resources. I suggest that the best way to handle paleontological resources is to make them a separate line item, equal in rank with both Biological and Cultural Resources and with Geology and Soils. Paleontology is an interdisciplinary science including some biology, some geology, and even some archaeology. However, it is a distinct science separate from each

of these other fields. It is time that the CEQA Checklist stop treating paleontology as a step-child to some other resource and place it under some other category in which it does not comfortably fit. In the attached version of the Checklist, I have provided a new section for Paleontological Resources, as well as made necessary changes to other sections. To be easily found, my suggested changes are in red text highlighted in yellow.

3. The current Checklist applies unequal criteria regarding the severity of potential impacts that need to be considered to biological, cultural, and paleontological resources. For both Biological and Cultural Resources, the criteria are "*have a substantial adverse effect on*" biological resources or "*cause a substantial adverse change*" to archaeological resources. In stark contrast, for paleontological resources, the criteria are "*destroy a unique paleontological resource*". In other words, in the current Checklist, to be considered a potentially significant impact, paleontological resources must not be just adversely affected as must biological resources or adversely changed as must cultural resources; they must be destroyed! In addition, in the current Checklist, the only significant impacts to be considered are impacts to "*unique*" paleontological resources, rather than adverse impact to any or all paleontological resources. To be consistent, the Checklist should consider only adverse impacts that have the potential to "*destroy unique*" biological and cultural resources. Of course, this language is absurd, but it is just as absurd for paleontological resources. To correct this unequal treatment of equally significant resources and to be consistent, I suggest that the Checklist language for paleontological resources simply be changed to "*have a substantial adverse effect on paleontological resources*." The attached version of the Checklist uses this revised language.

[Thank you](#) for considering my suggestions above. I would be pleased to have the opportunity to discuss these items further with persons involved in amending the CEQA Initial Study Checklist.

Lanny

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AMENDMENTS RECOMMENDED
by DR. LANNY H. FISK, PhD
26 JANUARY 2009

APPENDIX G
Environmental Checklist Form

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Paleontological Resources
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

Potentially
Significant
Impact

Less Than
Significant with
Mitigation
Incorporation

Less Than
Significant
Impact

No
Impact or
Does Not
Apply

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5?

☐
☐
☐
☐

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5?

☐
☐
☐
☐

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? [Note: This section

☐
☐
☐
☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact <u>or</u> <u>Does Not</u> <u>Apply</u>
<i>moved to VI.]</i>				
d c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Responses to individual questions/items:

a)

b)

VI. PALEONTOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect on a
significant paleontological resource or
site?

b) Substantially impact sediments or
rock layers likely to contain
paleontological resources?

Responses to individual questions/items:

a)

b)

VII. ~~VI.~~ GEOLOGY AND SOILS -- Would the project:

f) Have a substantial adverse effect on a
unique geologic feature?

☐
☐
☐
☐